



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No. 6,210,428

) Docket No. AUGA01000014
)

Inventors: Augustine et al

) Examiner: J Ram
)

Title: SYSTEM AND METHOD FOR TREATMENT OF HYPOTHERMIA

CERTIFICATION UNDER 37 CFR § 1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date 4 October 2001, in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231

4 October 2001 Tenance A. Meador
Date Signature

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

**REQUEST FOR CERTIFICATE OF CORRECTION
OF APPLICANT MISTAKE**

The above-identified patent ("the patent") has been assigned to AUGUSTINE MEDICAL, INC. ("the corporation") by assignment documents recorded on February 23, 1990 at Reel 5244, Frame 712 and on April 13, 1992 at Reel 6082, Frame 0560.

The patent contains a mistake in field [62] on the title page and at Col. 1, spanning the end of line 6 and the beginning of line 7, in that a reference to predecessor application 07/638,748, now U.S. Patent No. 5,405,371, is omitted. This mistake occurred because of reliance on a filing receipt in the immediate predecessor application 08/859,891 that had been received on October 19, 1998. A copy of the filing receipt is enclosed. As is evident, the omitted predecessor application 07/638,748 is also omitted from the filing receipt. Although the omission was later corrected in application 08/859,891, the incorrect filing receipt was nevertheless used when the transmittal documents for the application from which the patent issued were prepared. The mistake therefore occurred in good faith.

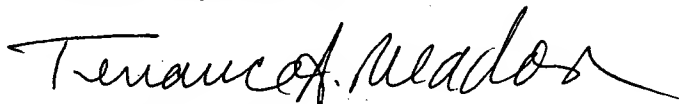
Patent application 09/334,160, the application from which the patent issued, was filed June 16, 1999. Therefore, the rules and procedures governing correction of the mistake are those for applications filed prior to November 29, 2000. See MPEP 1481 (August 2001) at 1400-68. In this regard, the requirements of 37 CFR 1.78(a)1 were met in the '160 application. US Patent 5,405,371

which is twice referenced in the Amendment filed 9 November 2000 at the top of page 2 itself identifies the omitted predecessor application 07/638,748, from which it issued. It is clear from the combined record of the patent and its predecessor applications that addition of the omitted application to the priority is appropriate. Moreover, the original specification, figures, and inventors' declaration filed in the application from which the patent issued are those originally filed in the omitted predecessor application 07/638,748. The applicant made clear the claim of priority to the omitted predecessor application (and further remote predecessor applications up to and including Application 07/227,189 filed August 2, 1988) by reference to the further remote predecessor applications in the first sentence of the specification, and in the fourth paragraph of the remarks on page 6 of the Amendment filed 9 November 2000.

The corporation hereby requests that a Certificate of Correction be issued to correct the above-identified patent as indicated on the attached PTO FORM 1050. A check for \$100 is enclosed to cover the applicable fee. Should the Commissioner find this petition fails to meet any requirement of the regulations that is not a requirement of the statutes, petitioner requests suspension of such regulation pursuant to 37 CFR Sec. 1.183. The Commissioner is hereby authorized to charge all fees that are or may be associated with this communication, or credit any overpayment to Deposit Account No. 07-1895. A duplicate copy of this sheet is enclosed.

Please contact the undersigned directly with any questions.

Respectfully submitted,


Terrance A. Meador
Registration No. 30,298

Date: 4 October 2001

GRAY CARY WARE & FREIDENRICH
4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133

Telephone: (858) 638-6747 - Fax: (858) 638-6727

09,334,160.

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,210,428 B1
DATED : April 3, 2001
INVENTOR(S) : Augustine et al.

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 2,

Line 44, please delete "blatnket" and insert -- blanket --.

Column 10, claim 17,

Line 31, please delete "85° F. to 117° F." and insert -- 85.2° F. to 117.7° F. --.

Signed and Sealed this

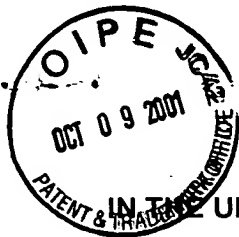
Sixth Day of November, 2001

Attest:

Nicholas P. Godici

Attesting Officer

NICHOLAS P. GODICI
Acting Director of the United States Patent and Trademark Office



R. Case

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No. 6,210,428

Docket No. AUGA01000014

Inventors: Augustine et al

Examiner: J Ram

Title: **SYSTEM AND METHOD FOR TREATMENT OF HYPOTHERMIA**

CERTIFICATE

OCT 24 2001

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Assistant Commissioner for Patents
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APPROVED

MAR - 4 2003

FOR THE DIRECTOR OF USPTO

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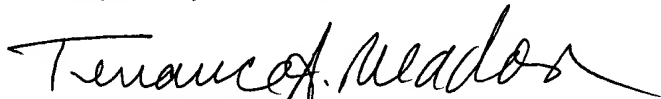
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FILING RECEIPT
CORRECTED



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
08/859,891	05/21/97	3711	\$640.00	1342-188	5	25	8

TERRANCE A. MEADOR
GRAY CARY WARE AND FRIEDDENRICH
401 B STREET
SUITE 1700
SAN DIEGO CA 92101

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

SCOTT D. AUGUSTINE, BLOOMINGTON, MN; RANDALL C. ARNOLD,
MAPLEWOOD, MN.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A CON OF 08/419,719 04/10/95 ABN
WHICH IS A CIP OF 07/550,757 07/10/90 ABN
WHICH IS A CIP OF 07/227,189 08/02/88 ABN
WHICH IS A CIP OF 07/104,682 10/05/87 ABN

FOREIGN FILING LICENSE GRANTED 10/14/97
TITLE
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* SMALL ENTITY *

PRELIMINARY CLASS: 607

RECEIVED
OCT 19 1998
GCWF/T.MEADOR

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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NOT GRANTED

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,210,428 B1
DATED : April 3, 2001
INVENTOR(S) : Augustine et al.

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title page,

Item [62], should read:

-- [62] This is a divisional of application no. 08/859,891, filed May 21, 1997, now U.S. Patent No. 5,968,084, which is a continuation of application no. 08/419,719, filed on April 10, 1995, now abandoned, which is a continuation of application no. 07/638,748, now U.S. Patent No. 5,405,371, which is a continuation-in-part of application no. 07/550,757, filed July 10, 1990, abandoned, which is a continuation-in-part of application no. 07/227,189, filed August 2, 1988, abandoned, which is a continuation-in-part of application no. 07/104,682, filed October 5, 1987, abandoned. --

Column 1,

Line 6, insert at the end of the line -- continuation of application no. 07/638,748, now U.S. Patent No. 5,405,371, --

Signed and Sealed this

Fifteenth Day of April, 2003

A handwritten signature in black ink, appearing to read "James E. Rogan", with a long horizontal flourish extending from the bottom.

JAMES E. ROGAN
Director of the United States Patent and Trademark Office

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

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Col 1, line 6, insert at the end of the line -- continuation of application no. 07/638,748, now U.S. Patent No. 5,405,371, --

MAILING ADDRESS OF SENDER:

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Gray Cary Ware & Freidenrich
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PATENT NO. 6,210,428

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